

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

IN RE: Request from Poland Pursuant
to the Treaty between the United
States of America and the Republic
of Poland on Mutual Legal
Assistance in Criminal Matters
in the Matter of Agnieszka
Markowska

1:06-mj-002-JM

ORDER

Upon application of the United States, and upon review of the request from Poland seeking evidence under the Treaty between the United States of America and the Republic of Poland on Mutual Legal Assistance in Criminal Matters, Treaty Doc. No. 105-12, 1996 WL 905552 (entered into force September 17, 1999), and the Court having fully considered this matter,

IT IS HEREBY ORDERED, pursuant to the authority conferred by the Treaty, as well as 28 U.S.C. § 1782 and this Court's inherent authority, that Assistant U.S. Attorney Michael J. Gunnison, or a substitute or successor designated by the Office of the United States Attorney, is appointed as Commissioner of this Court and hereby directed to take such steps as are necessary to execute the request. In doing so, the Commissioner is not required to follow the Federal Rules of Civil Procedure and the following rules shall govern:

1. the Commissioner may issue commissioner's subpoenas to be served at any place within the United States on persons (natural and artificial) ordering them or their representatives to appear and to testify and produce evidence located within the United States;

2. the Commissioner shall provide notice with respect to the collection of evidence to those persons identified in the request as parties to whom notice should be given (and no notice to any other party shall be required);

3. the Commissioner shall adopt procedures to collect the evidence requested consistent with its use in the investigation or proceeding for which it has been requested, which procedures may be specified in the request or provided by or with the approval of the Central Authority under the Treaty;

4. the Commissioner, in collecting the evidence requested, may be accompanied by persons whose presence or participation is authorized by the Commissioner, including, without limitation, special agents of the and/or representatives of Poland who, as authorized or directed by the Commissioner, may direct questions to any witness;

5. any person from whom the Commissioner seeks to collect evidence may, for good cause shown, oppose the giving of evidence, or the circumstances thereof, by motion timely filed with this Court, a copy of which shall be provided contemporaneously to the Commissioner;

6. the Commissioner may seek such further orders of this Court as may be necessary to execute this request, including orders to show cause why persons served with commissioner's subpoenas who fail to produce evidence should not be held in contempt; and

7. the Commissioner shall certify and submit the evidence collected to the Office of International Affairs, Criminal Division, U.S. Department of Justice, or as otherwise directed by that office for transmission to Poland.

IT IS FURTHER ORDERED that the Application and this Order shall be

maintained under seal unless and until this Court orders otherwise. Notwithstanding this Order's filing and maintenance under seal, the Commissioner may disclose copies of this order as necessary to accomplish the purposes of the request.


UNITED STATES DISTRICT JUDGE

Dated: January 12, 2006